

Message Text

PAGE 01 NATO 03980 241859Z

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ACTION EUR-25

INFO OCT-01 IO-13 ADP-00 CIAE-00 DODE-00 PM-07 H-03 INR-10

L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-15

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TO SECSTATE WASHDC 1283

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AMEMBASSY THE HAGUE

C O N F I D E N T I A L USNATO 3980

E.O. 11652: GDS 12/31/79

TAGS: PARM, NATO

SUBJ: CSCE: DUTCH PAPER ON PERSONAL CORRESPONDENCE

GENEVA FOR USDEL CSCE

1. AT AUGUST 23 SPC MEETING, DUTCH DEL. CIRCULATED A PROPOSAL ON FACILITATING THE EXCHANGE OF PERSONAL CORRESPONDECE. DUTCH PAPER PROPOSES A TEXT FOR INCLUSION IN THE LIST OF DRAFT DECLARATIONS FOR THE THIRD BASKET. REQUESTED: DEPARTMENT COMMENTS ON DUTCH PROPOSAL.

2. FULL TEXT DUTCH PAPER FOLLOWS.

BEGIN TEXT:

INFORMATION: PERSONAL CORRESPONDECE

1. THE MANDATE ON "COOPERATION IN HUMANITARIAN AND OTHER FIELDS", UNDER "2. INFORMATION" (PARA 47), STATES THAT THE COMMITTEE/SUB-COMMITTEE SHALL PREPARE PROPOSALS TO FACILITATE THE FREER AND WIDER DISSEMINATION OF INFORMATION OF ALL KINDS.

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PAGE 02 NATO 03980 241859Z

2. ALTHOUGH PERSONAL CORRESPONDENCE IS NOT MENTIONED AS ONE OF THE FIELD THE COMMITTEE/SUB-COMMITTEE SHALL "PAY PARTICULAR ATTENTION TO",

THIS SUBJECT CAN BE CONSIDERED TO FALL WITHIN THE LIMITS IMPOSED

BY THE MANDATE.

3. MOREOVER, IT FORMS A LOGICAL SUPPLEMENT TO FREER MOVEMENT AND CONTRACTS AMONG PERSONS, IN SO FAR AS THESE CONTACTS, IF ONLY FOR PRACTICAL REASONS, CAN NEVER BE BOTH UNIVERSAL AND CONTINUAL.

4. FOR THE CSCE TO ADOPT A DOCUMENT ON THE FREEDOM OF PERSONAL CORRESPONDENCE SEEMS THEREFORE NOT ONLY REASONABLE AND WARRANTED BY THE MANDATE, BUT WOULD, INASMUCH AS IT WOULD CONTRIBUTE TO A RELAXATION OF CENSORSHIP, BE OF DIRECT IMPORTANCE TO A GREAT NUMBER OF INDIVIDUALS AND CONSTITUTE A TYPICAL EXAMPLE OF THE "CONCRETE RESULTS" ENVISAGED BY THE WEST.

5. AS REGARDS THE BASIS OF THE RIGHT TO FREE CORRESPONDENCE IN INTERNATIONAL LAW, IT MAY BE RECALLED THAT THE RELEVANT SECTION OF ART. 12 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS READS: "NO-ONE SHALL BE SUBJECT TO ARBITRARY INTERFERENCE WITH HIS PRIVACY, FAMILY, HOME OR CORRESPONDENCE..... EVERYONE HAS THE RIGHT TO THE PROTECTION OF THE LAW AGAINST SUCH INTERFERENCE." ART. 17 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (1966) SAYS LITERALLY THE SAME, ONLY INSERTING "OR UNLAWFUL" AFTER "ARBITRARY".

6. THE ATTACHED TEXT IS PROPOSED FOR INCLUSION IN THE LIST OF DRAFT DECLARATIONS/RESOLUTIONS FOR THE THIRD BASKET.
AN EXPLANATORY NOTE ON THE SAME SUBJECT WILL BE DRAWN UP FOR TABLING EARLY DURING THE SECOND PHASE.

INFORMATION, PERSONAL CORRESPONDENCE

THE PARTICIPATING STATES BEARING IN MIND

-THAT IT IS ESSENTIAL FOR THE FOSTERING OF MUTUAL UNDERSTANDING AMONG INDIVIDUALS LIVING IN DIFFERENT COUNTRIES THAT THEY INCREASE THEIR KNOWLEDGE OF ONE ANOTHER THROUGH PERSONAL COMMUNICATION.

-THAT WHERE DIRECT PERSONAL CONTACTS ARE NOT POSSIBLE, THE EXCHANGE OF CONFIDENTIAL

PAGE 03 NATO 03980 241859Z

LETTERS AND OTHER KINDS OF WRITTEN INFORMATION ON A PERSONAL BASIS, BEING BOTH SIMPLE AND CHEAP, MAY PROVIDE AN IMPORTANT MEANS FOR GATHERING SUCH MUTUAL KNOWLEDGE.

-THAT SUCH EXCHANGES, IN ORDER TO BE EFFECTIVE, SHOULD TAKE PLACE IN A MANNER RESEMBLING DIRECT PERSONAL CONTACT AS CLOSELY AS POSSIBLE.

-AND THAT THIS IMPLIES THE NEED TO ENSURE THAT WRITTEN PERSONAL INFORMATION REACHES ITS ADDRESSEE SPEEDILY, AND THAT NO THIRD PARTY INTERFERES WITH IT, RECOGNIZE THE RIGHT OF THEIR CITIZENS TO FREE AND UNIMPEDED CORRESPONDENCE.,

UNDERTAKE

-TO SEE TO IT THAT LETTERS, TELEGRAMS AND OTHER PERSONAL COMMUNICATIONS

SENT TO OR ARRIVING FROM ANY OTHER PARTICIPATING STATE ARE FORWARDED
TO THE ADDRESSEES WITHOUT UNDUE DELAY.,

-NOT TO INTERFERE IN ANY WAY WITH SUCH COMMUNICATIONS. END TEXT.

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<< END OF DOCUMENT >>

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